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6 7	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA		
8	UNITED STATES OF AMERICA,	Case No.: 2:20-mj-243-NJK	
9	Plaintiff,	Stipulation to Extend Deadlines to	
10	v.	Conduct Preliminary Hearing and File Indictment (Second Request)	
11	MANUEL BEZERRA-IBANEZ, aka MARIO BEZERRA,		
12	aka CESAR CHAVEZ URIAS, aka CARLOS DELGADO,		
13	aka ALEJANDRO CORONA,		
14	Defendant.		
15			
16	IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.		
17	Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States		
18	Attorney, counsel for the United States of America, and Andrew Wong, Assistant Federal		
19	Public Defender, counsel for Defendant MANUEL BEZERRA-IBANEZ, that the Court		
20	schedule the preliminary hearing in this case for no earlier than 30 days from July 28, 2020		
21	the current preliminary hearing date. This request requires that the Court extend two		
22	deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained		
23	defendant's initial appearance, see Fed. R. Crim. P. 5.1(c); and (2) that an information or		
24	indictment be filed within 30 days of a defendant's arrest, see 18 U.S.C. § 3161(b).		

This stipulation is entered into for the following reasons:

- 1. The United States Attorney's Office has developed an early disposition program for immigration cases, authorized by the Attorney General pursuant to the PROTECT ACT of 2003, Pub. L. 108-21.
- 2. The early disposition program for immigration cases is designed to: (1) reduce the number of hearings required in order to dispose of a criminal case; (2) avoid having more cases added to the court's trial calendar, while still discharging the government's duty to prosecute federal crimes; (3) reduce the amount of time between complaint and sentencing; and (4) avoid adding significant time to the grand jury calendar to seek indictments in immigration cases, which in turn reduces court costs.
- 3. On or about April 2, 2020, a Complaint was filed with the Court, charging defendant Bezerra with violating 8 U.S.C. § 1326(a) and (b), Deported Alien Found in the United States. ECF No. 1.
- 4. Bezerra made an initial appearance before the Court on or about April 23, 2020, and was ordered detained pending a preliminary hearing. *Id.* at ECF No. 5. He remains detained in the USMS's custody. The preliminary hearing is presently set for July 28, 2020.
- 5. Defendant Bezerra has signed a plea agreement with the United States, and the Court has set a change of plea hearing for August 17, 2020. ECF No. 15, 2:20-cr-00141-JAD-DJA.
- 6. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the preliminary hearing within a reasonable time, but no later than 14 days after the initial appearance if the defendant is in custody"

- 7. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more times "
- 8. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), "[a]ny information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges."
- 9. If the Court does not accept the defendant's guilty plea, he will need additional time to review the discovery, investigate potential defenses, and finalize his preparations for the preliminary hearing.
- 10. Accordingly, the parties jointly request that the Court schedule the preliminary hearing in this case no sooner than 30 days from the current preliminary hearing date.
- 11. Defendant is in custody and agrees to the extension of the 14-day deadline imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), provided that the information or indictment is filed on or before the date ordered pursuant to this stipulation .
 - 12. The parties agree to the extension of that deadline.
- 13. This extension supports the public interest in the prompt disposition of criminal cases by permitting defendant enter a plea of guilty pursuant to a written plea agreement under the United States Attorney's Office's fast-track program for § 1326 defendants.

1	14. Accordin	igly, the additiona	al time requested by this stipulation is allowed
2	under Federal Rule of Criminal Procedure 5.1(d).		
3	15. In addition, the parties stipulate and agree that the time between the		
4	scheduled preliminary hearing and a date 30 days from that July 28, 2020 date, is		
5	excludable in computing the time within which the defendant must be indicted and the tria		
6	herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A)		
7	considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).		
8	16. This is the second request for an extension of the deadlines by which to		
9	conduct the preliminary hearing and to file an indictment.		
10	DATED this 27th day of July, 2020.		
11			Respectfully submitted,
12		NICHOLAS A. TRUTANICH	
13	/s/Andrew Wong ANDREW WONT Assistant Federal Public Defender Counsel for Defendant MANUEL BEZERRA-IBANEZ		United States Attorney
14			/s/Kimberly M. Frayn KIMBERLY M. FRAYN Assistant United States Attamosy
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1 UNITED STATES DISTRICT COURT **DISTRICT OF NEVADA** 2 3 UNITED STATES OF AMERICA, Case No.: 2:20-mj-243-NJK 4 Plaintiff, [Proposed] Order on Stipulation to **Extend Deadlines to Conduct** 5 v. Preliminary Hearing and File Indictment MANUEL BEZERRA-IBANEZ, 6 aka MARIO BEZERRA, 7 aka CESAR CHAVEZ URIAS, aka CARLOS DELGADO, 8 aka ALEJANDRO CORONA, 9 Defendant. 10 11 Based on the stipulation of counsel, good cause appearing, and the best interest of 12 justice being served; the time requested by this stipulation being excludable in computing 13 the time within which the defendant must be indicted and the trial herein must commence 14 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of 15 Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv): 16 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled 17 on July 28, 2020, at the hour of 4:00 p.m., be vacated and continued to Friday, August 28, 18 2020, at the hour of 4:00 p.m., in courtroom 3C. 19 DATED this 27th day of July, 2020. 20 21 HONORABLE NANCY J. KOPPE UNITED STATES MAGISTRATE JUDGE 22 23 24